

REMARKS

The Office Action of 11/22/2006 has been carefully considered. Reconsideration in view of the foregoing amendments and the present remarks is respectfully requested.

Claims 3, 5, 10, 12, 17 and 19 were indicated as containing allowable subject matter, which indicating is appreciatively acknowledged.

Claims 1, 2, 4, 7-9, 11, 14-16 and 18 were rejected as being anticipated by Page. The claims have been amended to more clearly distinguish over the cited reference. Reconsideration is respectfully requested.

In particular, the claims have been amended to recite that the variable sample rate is adjustable both upward and downward. No such feature is taught or suggested in Page.

In Page, the emphasis is on data compression. Page provides for A/D conversion and for subsequent *downsampling* of the resulting digital signal. The degree of downsampling is maximized within the constraints of the Nyquist theorem. A/D conversion, however, is performed at a fixed sampling rate.

In the case of the present invention, an emphasis is *preserving video detail* without unduly increasing storage requirements. In order to preserve video detail, the present invention provides for the sampling rate of the A/D converter to be increased, unlike Page.


Page is therefore not believed to anticipate the claims as currently amended.

Claims 15-20 were rejected under 35 USC 101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

Independent claim 15 does not recite a mathematical algorithm either directly or implicitly. If the Examiner wishes to persist in this rejection, the Examiner is respectfully requested to identify for Applicant how claim 15 may be construed to recite a mathematical algorithm.

Withdrawal of the rejections and allowance of claims 1-20 is respectfully requested.

Respectfully submitted,



Michael J. Ure, Reg. 33,089

Dated: 05/21/2007